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DEPARTMENT OF STATE
THE LEGAL ADVISER

July 11, 1967

MEMORANDUM FOR THE SECRETARY

THROUGH: S/S

FROM: L - Leonard C. Meeker

SUBJECT: June 8 Attack on U.S.S. Liberty

The United States Navy Court of Inquiry on the attack against the Liberty was convened on June 10, 1967. Following the completion of its proceedings, a summary of them was issued in a Department of Defense press release on June 28. The summary was accompanied by the unclassified transcript of testimony by the Commander of the Liberty. These two documents are attached at TAB A.

An Israeli military investigation of the attack was undertaken in June. Neither a transcript of the proceedings nor a summary of them has been made public or communicated to the United States Government. An Israeli military officer gave some explanations to our naval attaché in Tel Aviv as to how the attack came about through mistake, but these explanations were essentially unrevealing as to what the investigation brought out. It is reported that the Israeli Chief of Staff was dissatisfied with the initial investigation. He thereafter announced that the whole matter had been turned over to a legal officer in the IDF for further examination and to determine whether any court-martial should be held. There has been no indication as to the course of this second Israeli inquiry.

On June 10, 1967 the Israeli Ambassador in Washington delivered a note stating that The Government of Israel is prepared to make amends for the tragic loss of life

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and material damage". On the same day Under Secretary Rostow handed to Ambassador Harman a United States note concerning the attack on the Liberty. This note contained certain errors in stating the times at which the air and torpedo boat attacks took place and the times of reconnaissance flights during the morning. An amended note, correcting these errors and incorporating minor changes of language proposed by Nick Katzenbach and Walt Rostow, is being given to Ambassador Harman this afternoon. A copy of the corrected note is attached at TAB B.

Following the receipt of our initial note of June 10, the Israeli Embassy gave us a further note on June 12. This is attached at TAB C. Under Secretary Katzenbach has suggested to Ambassador Harman that the Israeli Embassy might wish to withdraw or change this note, and we understand that the Israelis are thinking of doing so after they receive our corrected note.

Since June 10, and as a result of examining carefully the full testimony before the United States Naval Court of Inquiry, we have learned a good deal more than we knew earlier about the reconnaissance flights on the morning of June 8. It now appears that there were at least eight such flights, spread over a period of seven and one-half hours between 0515 and 1245, local time. None of the reconnaissance planes was identified by observers on the Liberty; apparently they were not near enough for the markings to be made out. Analysis of the whole situation, including movements of United States aircraft on the morning of June 8, has led the Navy to conclude that the reconnaissance aircraft could only have been Israeli. Tabulation of the reconnaissance flights is attached at TAB D. The times indicated on this tabulation are being given informally to Ambassador Harman this afternoon.

The air attack commenced shortly after 1400 hours, local time, on June 8. The attacking planes made a number of bombing and strafing runs over the ship. Shortly after

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1430 hours three motor torpedo boats closed on the Liberty. Two of them fired torpedoes; one passed astern of the Liberty; the other hit the ship, opened a large hole in the hull, and killed a large number of communications personnel who were by that time at their general quarters station in the communications compartment. Further details about the attack and the events thereafter are given in the summary of proceedings of the Navy Court of Inquiry and in the testimony of the Liberty's Commander.

There appeared in the Washington Star on July 6 an eye witness account of the attacks on June 8 by Micha Limor, a crew member on one of the Israeli torpedo boats. A copy of this story is attached at TAB E.

The Department of State is now assembling data from the Navy and other sources for the presentation of a monetary claim to the Government of Israel. This will include amounts for los[illegible]ife, injuries, and damage to the ship and its equipme[illegible]e total claim is likely to run into several million[illegible]llars. It will be presented as soon as we have the ne[illegible]ry information in hand and in shape to go ahead with making the claim.

Attachments:

TAB A - Defense Press Release and Transcript of Testimony by Commander of Liberty.
TAB B - Corrected Note to be Delivered to Ambassador Harman July 11, 1967.
TAB C - Israeli Note of June 12, 1967.
TAB D - Tabulation of Reconnaissance Flights.
TAB E - Washington Star Article of June 8, 1967.

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